



Application Serial Number: 10/776,848  
Attorney Docket No. 22270-RA2

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:	MURPHY JR., H. Stetster	)	
		)	
Serial No.:	10/776,848	)	Examiner: HURLEY, Shaun R.
		)	
Filed:	February 11, 2004	)	Group Art: 3765
		)	
For:	Clothing Hanger	)	Confirmation: 3039
		)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

April 13, 2007

**TRANSMITTAL FOR NOTICE OF APPEAL FORM PTO/SB/31**

Sir:

In accordance with 37 CFR §§ 41.20(b) 41.30 and 41.31(a)(d), Applicant in the above nonprovisional patent application submits herewith a Notice of Appeal (form PTO/SB/31) to the Board of Patent Appeals and Interferences regarding the final decision of the Examiner rejecting claims 1-21 in the above-referenced application.

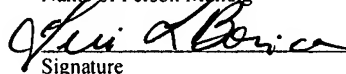
Applicant also encloses herewith the requisite Appeal fee of \$250.00 designated for a small entity, and a differential fee of \$285.00 for a third (3<sup>rd</sup>) month extension of time. Applicant timely submitted a two-month extension fee of \$225.00 on March 12, 2007, with its response to the Office Action mailed on October 26, 2006. Accordingly, Applicant believes the differential fee of \$285.00 to be the correct requisite fee for a three-month extension. Please see the appended remarks.

**Certificate of Express Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail Label No. **EM 057781349 US** with adequate postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the following date:

April 13, 2007

Teri L. Bonica  
Name of Person Mailing

  
Signature

**REMARKS**

Applicant timely submitted a Response to the October 26, 2006, Office Action on March 12, 2007, with a two-month extension of time and the requisite fee of \$225.00 (Exhibit "A"). Applicant respectfully requested the Examiner to consider claims 1-21 and the respective amendments to claims 1, 12, 14 and 16-20. Examiner rejected Applicant's request and subsequently issued an Advisory Action (Exhibit "B") indicating that the amendments did not place the claims into better condition for allowance. The Examiner further indicated that no new statutory deadline would be set and that the Applicant must either submit a Response to the Advisory Action or to file a Notice of Appeal by the six-month final deadline of April 26, 2007, with the requisite extension and/or Notice of Appeal fee(s).

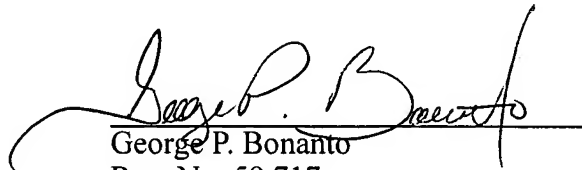
Applicant submits herewith for filing, a Notice of Appeal (form PTO/SB/31), the requisite Appeal fee of \$250.00 for a small entity, and a differential fee of \$285.00 for a third (3<sup>rd</sup>) month extension. Applicant continues to claim small entity status. Applicant timely submitted a two-month extension fee of \$225.00 on March 12, 2007, and thus believes the differential fee between a two-month extension fee of \$225.00 and a three-month extension fee of \$510.00, to be \$285.00. If additional fees are required to properly submit these papers for filing, please contact the undersigned attorney immediately at (770) 541-7444.

**CONCLUSION**

Applicant submits the attached Notice of Appeal, related documents and requisite fees by the April 26, 2007 deadline. Accordingly, this Notice is timely filed and respectfully requested for consideration.

Dated this 13<sup>th</sup> day of April, 2007.

Respectfully submitted,

  
George P. Bonanto  
Reg. No. 59,717

Myers & Kaplan, Intellectual Property Law, L.L.C.  
1899 Powers Ferry Road  
Suite 310  
Atlanta, GA 30339  
Phone: 770-541-7444  
Fax: 770-541-7448



## **EXHIBIT "A"**



## EXHIBIT "B"



Commissioner of Patents and Trademarks

P z Acknowledge Receipt Of:

- ☒ Patent/Trademark-Type Utility  
Replacement Drawings (No. Sheets     )  
☒ Amendment/Response to Office Action (12 pgs)  
Due Date: March 26, 2007 (with extensions)  
☒ Petition for Extension of Time: (2) month  
Fee: \$225.00  
☒ Cert. of Exp. Mail: March 12, 2007  
Exp. Mail No.: EM 057781882 US

Client: Stetser H. Murphy

Applicant/Inventor/Owner: MURPHY, Stetser H. Jr.

Serial./Reg/Iss No.: 10/776,848

Filing Date: February 11, 2004

Title: Clothing Hanger

Attorney: George P. Bonanto

Docket/File No.: 22270-RA2

Priority SN/FD: NA



<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/776,848 Examiner Shaun R. Hurley	Applicant(s) MURPHY, H. STETSER Art Unit 3765
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**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ They raise the issue of new matter (see NOTE below);

(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

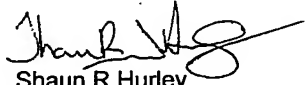
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

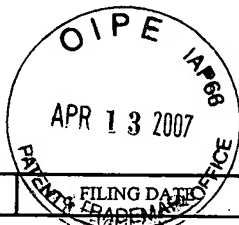
13. ☐ Other: \_\_\_\_\_.

  
 Shaun R Hurley  
 Primary Examiner  
 Art Unit: 3765



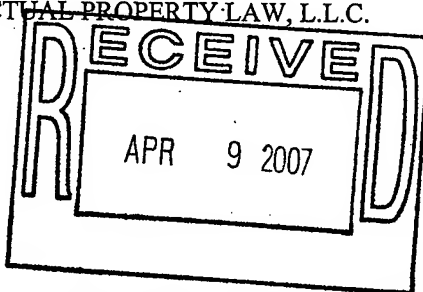
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,848	02/11/2004	H. Stetser Murphy JR.	22270-RA2	3039

30184 7590 04/06/2007  
MYERS & KAPLAN, INTELLECTUAL PROPERTY LAW, L.L.C.  
1899 POWERS FERRY ROAD  
SUITE 310  
ATLANTA, GA 30339



EXAMINER

HURLEY, SHAUN R

ART UNIT PAPER NUMBER

3765

MAIL DATE DELIVERY MODE

04/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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Please Acknowledge Receipt Of:

☒ Patent/Trademark-Type Utility

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☒ Client: Steister H. Murphy

☒ Applicant/Inventor/Owner: MURPHY, Steister H. Jr.

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☒ Filing Date: February 11, 2004

☒ Title: Clothing Hanger

☒ Attorney: George P. Bonante

☒ Doc. No.: 22270-RA2

☒ Prior Art: N/A



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